IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19866 of 2004

Between:

1 P. Narasimhulu @ Narasimha Rao, S/o. Papaiah,
aged about 27 years, Occ: Helper, R/o. Pulagala, Nellore District.
2 Ch. Jayaramaiah, S/o. Polayaiah, aged about 35 years, Occ: Helper,
R/o. Chittaluru, Nellore District.
3 Ramanaiah, S/o. Chetaiah, aged about 25 years, Occ: Helper,
R/o. Vadlapalli, Nellore District.
4 T. Chinnapenchalaiah, S/o. Roashaiah, aged about 25 years, Occ: Helper,
R/o. Thodety, Nellore District.
5 M. Ratnaiah, S/o. Chinnamuneyaiah, aged about 40 years, Occ: Helper,
R/o. Madapalli, Nellore District.
6 D. Thiripolu, S/o. Chenchaiah, aged about 25 years, Occ: Helper,
R/o. Dokala, Nellore District.
7 E. Janardhan, S/o. Chenchaiah, aged about 27 years, Occ: Helper
R/o. Vegitila, Nellore District.
8 A. Ademma, W/o. Rajayaiah, W/o.Rajaiah, aged about 30 years, Occ: Helper
R/o. Atmakur. Nellore District.

(All the petitioners are working in Penusila Lakshmi Narasimha Surya Temple,

Penchalakona (v), Rapur Mandal, Nellore District).

..... PETITIONERS

AND

1 The Commissioner Endowments Department, Govt of A.P., Hyderabad.
2 The Regional Joint Commissioner, MZ-II, Endowments Dept., at Tirupathi.
3 The Dy. Commissioner of Endowments (S), Office of the Commissioner
Endowments at Hyd.
4 The Assistant Commissioner Endowments Dept., Nellore.
5 The Executive Officer, Pensusila Laxmi Narasimha Swamy Devastanam,
Penchalakonda Village, Rapur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus by directing the Respondents 1 to 3 herein to regularize the services of the petitioners in their respective posts in the 5th Respondent temple and further may be pleased to direct the Respondents 4 and 5 to continue the petitioners in their respective posts in the 5th respondent temple pending regularization.

Counsel for the Petitioners: MR.J.ASHVINI KUMAR

Counsel for the Respondent Nos.1 to 4: GP FOR ENDOWMENTS

Counsel for the Respondent No.5: Smt. N.Indrani, S.C.

The Court, at the admission stage, made the following :

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ORAL ORDER:

The petitioners have filed this writ petition seeking a Mandamus to direct the respondents 1 to 3 to regularise the services of the petitioners in the 5th respondent-Temple.

The learned counsel for the petitioners has contended that the Commissioner of Endowments Department, Hyderabad in his proceedings dated 6.5.2003 fixed the cadre strength of the 5th respondent and therefore, whenever those posts are filled up, preference may be given to the petitioners as they have been working since 2002-2003.

The learned Government Pleader for the respondents has contended that the petitioners cannot be appointed in those posts, which have to be filled in accordance with the rules and regulations of the Endowments Department. Hence, the writ petition is devoid of merit.

The facts are not in dispute except the fact that the petitioners 4 and 6 were not appointed by the 5th respondent. It is also not in dispute that the 1st respondent in his Proceedings Rc.No.C3/9254/2003, dated 6.5.2003 accorded sanction of certain posts for the 5th respondent-Temple. The 5th respondent has to fill up the sanctioned strength posts in accordance with the rules and regulations of the Endowments Department.

Having regard to the facts and circumstances of the case, a direction is given to the 5th respondent that whenever posts are notified by the Government, the 5th respondent shall consider the case of the petitioners with reference to the previous experience put in by them in the 5th respondent-Temple along with other candidates. However, it is made clear that the petitioners' previous work in the 5th respondent-Temple does not confer any right for appointment.

The writ petition is disposed of in terms of the above direction. There shall be no order as to costs.

(K.C. BHANU, J.)

29th December, 2004.

bcj

To

1 The Commissioner Endowments Department, Govt of A.P., Hyderabad.
2 The Regional Joint Commissioner, MZ-II, Endowments Dept., at Tirupathi.
3 The Dy. Commissioner of Endowments (S), Office of the Commissioner Endowments at Hyd.
4 The Assistant Commissioner Endowments Dept., Nellore.
5 The Executive Officer, Pensusila Laxmi Narasimha Swamy Devastanam, Penchalakonda Village, Rapur Mandal, Nellore District.

6 Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, Hyderabad (OUT).

7 Two C.D. copies.